REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9 and 10 are pending in the present application. Claims 1-8, 11 and 12 have been canceled and Claims 9 and 10 have been amended by the present amendment.

In the outstanding Office Action, the abstract of the disclosure was objected to; and Claims 9 and 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Martynov.

With regard to the objection to the abstract, the abstract has been amended in light of the comments noted in the outstanding Office Action. Accordingly, it is respectfully requested this objection be withdrawn.

Claim 9 has been amended for clarification. Further, Claim 10 has been amended to state that the optical aberration state includes wavefront aberration, which finds support in Claim 9. Thus, no new matter is added thereby.

Claims 9 and 10 stand rejected under 35 U.S.C. § 102(e) as anticipated by Martynov. This rejection is respectfully traversed.

Amended Claim 9 is directed to an aberration state detection apparatus that includes a light sending system that focuses light from a light source onto a recording surface of an information medium, a detection optical system that detects light from the information medium and a device that detects a state of occurrence of wavefront aberration of the light focused on the recording surface of the information medium by the light sending system from a detection result obtained by the detection optical system. Independent Claim 10 includes similar features.

On the contrary, Martynov discloses a spherical aberration detection system that includes the beam splitter 59 having the inner parts 62, 63 and the outer parts 64, 65. The inner parts 62 and 63 deflect paraxial rays towards split detectors having the sub-detectors 66,

67 and 68, 69, respectively. The outer parts 64 and 65 deflect marginal rays towards split detectors having the sub-detectors 66', 67' and 68', 69', respectively. A signal processor forms a focus error signal S_{FE} using the detector output signals S66 to S69, a focus error signal S_{FE}' using the detector output signals S66' to S69' and a spherical aberration signal S_{SA} by subtracting S_{FE}' from S_{FE} (see column 5, line 29 to, column 6, line 12 and Figures 5a and 5b). Thus, a spherical aberration of a beam is determined from a spherical aberration signal S_{SA} (see column 4, lines 42-46). Further, Martynov discloses that the spherical aberration detection system can be used in optical players such as disclosed in Figure 6 (see column 6, lines 22-25). The signal processor 107 forms a spherical aberration signal S_{SA} and a spherical aberration of a radiation beam is determined similarly as discussed above (column 7, lines 1-20). However, Martynov does not teach or suggest detecting of wavefront aberration as performed by the aberration state detection apparatus recited in Claim 9.

Accordingly, it is respectfully submitted that independent Claims 9 and 10 are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

EHK/GS:mda
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